

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**PETMAS INVESTORS LTD,**

Plaintiff,

v.

**SAMEIET HOLBERGS GATE 19, *et al.*,**

Defendants.

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Civ. Action No.: 13-6807(FLW)(LHG)

**ORDER**

**THIS MATTER** having been opened to the Court by way of the Complaint filed by Petmas Investors Ltd (“Plaintiff”), as well as the Court’s November 19, 2013 Order to Show Cause as to the bases pursuant to which this Court may exercise jurisdiction over the Complaint; it appearing that the Complaint asks the Court to (1) quash the summons served upon Plaintiff with regard to an action pending in the Oslo District Court in the Kingdom of Norway or (2) dismiss the pending complaint in the same action in Norway; it appearing that this matter was referred to the Honorable Lois H. Goodman, U.S.M.J., pursuant to Federal Rule 72 and Local Civil Rule 72.1; it appearing that the Magistrate Judge issued a Report and Recommendation dated November 18, 2014, recommending that the Court dismiss Plaintiff’s Complaint for lack of subject matter jurisdiction; it appearing that the Magistrate Judge found that the Hague Service Convention may provide the basis for an affirmative defense, but does not create a private right of action, that the Magistrate Judge found that the Declaratory Judgment Act “does not create a private right of action where one does not already exist,” and that the Magistrate Judge weighed equitable considerations used by the Northern District of Illinois in Basic v.

Fitroy, 949 F. Supp. 1333, 1338 (N.D. Ill. 1996) in declining to exercise discretionary jurisdiction under the Declaratory Judgment Act, and found that all factors militate against the exercise of discretionary authority, see Order dated November 18, 2014; it further appearing that Plaintiff has not filed any objections to the Report and Recommendation; accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation:

**IT IS** on this 4th day of December, 2014,

**ORDERED** that the Magistrate Judge's Report and Recommendation November 18, 2014 is hereby **ADOPTED**; and it is further

**ORDERED** that the Complaint is **DISMISSED**.

/s/ Freda L. Wolfson  
Freda L. Wolfson  
United States District Judge